

ESTTA Tracking number: **ESTTA82069**

Filing date: **05/23/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gailoyd Enterprises Corp.		
Entity	Corporation	Citizenship	Delaware
Address	Rockridge Farm 961 Route 52 Carmel, NY 10512 UNITED STATES		

Attorney information	Richard P. Stitt Shughart Thomson Kilroy, P.C. 120 West 12th Street Suite 1800 Kansas City, MO 64502 UNITED STATES rstitt@stklaw.com Phone:816-421-3355
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Applicant Information

Application No	76570628	Publication date	05/09/2006
Opposition Filing Date	05/23/2006	Opposition Period Ends	06/08/2006
Applicant	Kansas City Live, LLC 601 East Pratt Street, Sixth Floor Baltimore, MD 21202 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and seviceis in the class are opposed, namely: clothing, namely, T-shirts, shirts, sweat shirts, pants, sweat pants, jackets, caps, visors, hats, headbands, socks, shoes, belts
Class 035. All goods and seviceis in the class are opposed, namely: Retail outlets featuring clothing, gifts, sporting goods and equipment, food, drugs, cosmetics, perfumes, furniture, computers, and computer goods, musical recordings, pet supplies, housewares, linens, shoes and electronics; business management in the field of shopping centers and retail shopping outlets; art galleries
Class 036. All goods and seviceis in the class are opposed, namely: Shopping center services namely, rental of shopping center space; real estate management in the field of shopping centers and retail shopping outlets; leasing of a building or portions thereof
Class 041. All goods and seviceis in the class are opposed, namely: Entertainment services, namely, night clubs, live performance by musical bands and singers; providing mixed-use entertainment facilities; karaoke clubs; comedy clubs; puppet or animation theaters; operating motion picture theaters, live performance theaters, dinner theaters, amusement arcades, providing virtual reality entertainment facilities, family recreation facilities, museums; and health club facilities
Class 043.

All goods and services in the class are opposed, namely: Restaurants; bar services; sports bars; hotel services

Related Proceedings	91169646
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Attachments	Gailoyd 2INotice of Opposition_to_76_570_628.pdf (4 pages)(37596 bytes)
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Signature	/Richard P. Stitt/
Name	Richard P. Stitt
Date	05/23/2006

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD***

In the Matter of Application Serial No. 76/570,628
Published in the Official Gazette May 9, 2006, at TM 13

Gailoyd Enterprises Corp.,)	
)	
Opposer,)	
)	
vs.)	Opposition No. _____
)	
Kansas City Live, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

The Gailoyd Enterprises Corp., a Delaware corporation, located and doing business at Rockridge Farm, 961 Route 52, Carmel, New York 10512 believes it will be damaged by the registration of the mark shown in Application Serial No. 76/570,628 in International Classes 25, 35, 36, 41, and 43 and hereby opposes the same.

As grounds for opposition it is alleged that:

1. Opposer, Gailoyd Enterprises, Corp., is a Delaware corporation, having a principal place of business at Rockridge Farm, 961 Route 52, Carmel, New York 10512.
2. Applicant, Kansas City Live, LLC, is a Maryland limited liability company having a principal place of business at 601 East Pratt Street, Sixth Floor, Baltimore, MD 21202.
3. Opposer and its predecessors in interest have for more than seventy (70) years used, promoted, advertised, offered and sold commercial real estate services and commercial office

and business and real estate leasing services under the trademark POWER AND LIGHT BUILDING in the geographic area of Kansas City, Missouri.

4. Opposer is the proprietor of the POWER AND LIGHT BUILDING located at 1330 Baltimore Avenue, Kansas City, Missouri, where the Opposer's commercial real estate and commercial office and business and real estate leasing services are offered to the public.

5. Due to Opposer's extensive promotion, advertising and sale of services under its POWER AND LIGHT BUILDING mark, Opposer's mark has become well known and is closely and uniquely associated with Opposer and the services it offers.

6. By virtue of Opposer's efforts and expenditures, and by virtue of the quality of the Opposer's services, Opposer's mark POWER AND LIGHT BUILDING has a valuable reputation and considerable goodwill.

7. Opposer's use of its POWER AND LIGHT BUILDING mark pre-dates Applicant's filing of its application Serial No. 76/570,628 for registration of Applicant's POWER AND LIGHT DISTRICT mark.

8. Opposer believes that continued use and registration of Applicant's mark will further damage Opposer and Opposer's POWER AND LIGHT BUILDING mark for the following reasons:

- a. Persons would be confused into believing that the mark is used in reference to Applicant's services rather than those of Opposer;
- b. Applicant's use and application and registrations of the POWER AND LIGHT DISTRICT marks in the manner set forth in Applicant's registrations and application misrepresent the source of the services;

Opposition No.
Mark: POWER AND LIGHT DISTRICT

- c. Granting of the registration based on Application Serial No. 76/570,628 to Applicant will cause confusion and mistake and will deceive consumers as to the source or association of the Applicant's mark;
 - d. Applicant's mark of Application Serial No. 76/570,628 is confusingly similar to Opposer's use of its POWER AND LIGHT BUILDING mark in connection with Opposer's commercial real estate and commercial office and business and real estate leasing services; and
 - e. Registration of Applicant's mark of Application Serial No. 76/570,628 will dilute the distinctive quality of Opposer's POWER AND LIGHT BUILDING mark.
9. By reason of the foregoing, Applicant is not entitled to registration of its Application Serial No. 76/570,628 under Sections 2 and 13 of the Lanham Act, 15 U.S.C. §§ 1052 and 1063, and Opposer would be damaged by said registration.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that the application for registration be denied.

This Notice of Opposition is being instituted in five classes, and the fee (\$1,500) required by 37 C.F.R. § 2.6(a)(17) paid. The amount paid is believed to be the correct fee, but, if not, please consider this to be authorization to Deposit Account Number 12-1660 for any deficiency or credit any excess thereto.

Respectfully submitted,

GAILOYD ENTERPRISES, INC.
Opposer

By: SHUGHART, THOMSON & KILROY, P.C.

Dated: May 23, 2006

By: /Richard P. Stitt/
Richard P. Stitt

Opposition No.
Mark: POWER AND LIGHT DISTRICT

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ATTORNEYS FOR OPPOSER

CERTIFICATE OF MAIL FILING

I hereby certify that a copy of the foregoing paper was filed electronically with the Trademark Trial and Appeal Board on May 23, 2006.

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

/Richard P. Stitt/
Richard P. Stitt

CERTIFICATE OF MAIL SERVICE

I hereby certify that the foregoing pleading is being deposited with the U.S. Postal Service by First Class Mail on May 23, 2006 in an envelope addressed to:

Mr. Ned T. Himmelrich
Gordon, Feinblatt, Rothman, et al.
233 East Redwood Street
Baltimore, MD 21202

Attorney for Opposer

/Richard P. Stitt/
Richard P. Stitt